

### **REMARKS**

Claims 1-16 and 20 are pending and stand rejected. The independent claims are mobile claim 1, cover claim 16, mobile telephone claim 20. The non-final Office Action of 17 March 2008 states that the independent claims are obvious under 35 U.S.C. § 103(a) from *Halkosaari* (U.S. Patent Application No. 20020193136) in view of *Hsu* (U.S. Application No. 20030083094), and in further view of a new reference: *Hill* (U.S. Patent No. 6,453,155).

The claims are now amended without prejudice, in order to expedite prosecution of the present application. No new matter is introduced. All of the amendments are fully supported by the application as originally filed. Dependent claim 10 is now cancelled, and some of its limitations are inserted into independent claims 1 and 16. Note that claim 10 was also rejected as obvious from *Halkosaari* in view of *Hsu* and in further view of *Hill*. The present amendment of claims 1 and 16 is also supported by the description as originally filed on page 5, paragraphs 3-4 and on page 7, second paragraph.

New dependent claim 21 is added. This is supported, for example, by present Figures 7 (and the accompanying description), which show and describe the flexible cover 40, without any intermediate cover that is rigid or non-rigid.

According to the Office Action, two further references are cited. *Badillo* (U.S. Patent No. 6,729,518) is cited against dependent claim 12. Also, *Mitchell* (U.S. Patent No. 6,082,535) is cited against dependent claim 13.

### **Overview of Embodiments of the Present Invention**

Embodiments of the present invention relate to a mobile telephone which includes an engine assembly 10 and a flexible cover 40. The engine assembly comprises a display 12 and a plurality of switches 14. The flexible cover 40 overlays the engine assembly 10, without an intermediate rigid cover, and comprises an integrated keypad 50 aligned with the plurality of switches 14 on the engine assembly 10. Additionally, the flexible cover 40 comprises a flexible substrate and at least one leather or fabric portion attached to the substrate.

### **Overview of Cited Prior Art**

*Halkosaari* discloses a mobile phone **2** that has a top cover **10** and a bottom cover **12**. As mentioned in paragraphs 20 and 21, the top and bottom covers are made from a molded polymer plastic or from a composite material including metal. The top and bottom covers **10**, **12** are arranged to abut one another along seal **42** and connect to one another at connectors **88**, **64** and **66**. As mentioned at the end of paragraph 16, the seal **42** may be held with fewer fasteners because the housing **8** is stiffer.

*Hsu* discloses a method for manufacturing an enclosure **1** for a mobile telephone. Initially, a skin **2** and a plastic film layer are heat-pressed together to form a preform **5** (paragraph 17 and Fig. 2). The preform **5** is then put in a mold **9** and base resin layer **4** is then injected into the mold on a face of the plastic film layer. The base resin layer **4** is then left to solidify and an enclosure **1** having a soft outer face is consequently formed into the cavity mold.

*Hill* discloses a communication device **10** that includes a shapeable material **20** and a communication module **30**. As mentioned in col. 2, lines 6-10, the shapeable material **20** can be any suitable material that provides form to a device **10** and is flexible enough to be manipulated by a user. Shapeable material **20** is material which is capable of being molded into a shape and will then retain that shape until it is molded into another shape. As illustrated in Figs. 1-5, the shapeable material **20** appears to be a cover for the communication module **30**. As mentioned in col. 2, lines 41-43, the module **30** can be any suitable communication module that enables the device **10** to communicate with other devices and systems, and may be a wireless module.

*Badillo* discloses a portable case for holding hand-held devices such as phones, cameras, and the like. The portable case may be supported by a selectively bendable stand.

*Mitchell* discloses a protective, waterproof covering for a hand-held device. The covering includes an aperture for receiving the hand-held device and an adhesive layer which forms a seal around the aperture after the hand-held device has been inserted into the covering.

**Present Amended Independent Claims are not Suggested by the Cited Art**

Claims 1 and 16 are now amended to recite “a substantially fabric, leather or elastically deformable material flexible cover overlying, without an intermediate rigid cover . . . the engine assembly”. This amendment is supported by cancelled claim 10, and also by the description as originally filed on page 5, paragraphs 3-4 and on page 7, second paragraph. Claims 5 and 7 are now amended in view of amended claim 1. Claim 10 is now cancelled from the claim set. None of the references cited against claim 10 disclose or suggest a substantially fabric, leather or elastically deformable material flexible cover.

The “shapeable” material of *Hill* cannot be the present claimed fabric, leather or elastically deformable material because none of those materials will retain a shape until it is molded into another shape as required by *Hill* (see *Hill* at column 2, lines 9-10).

*Hill* merely discloses using a shapeable material 20 to cover the module 30. Fabric, leather and elastically deformable material are not “shapeable material”, since they are not materials that are capable of being molded into a shape and retain that shape until they are molded into another shape.

It would not be obvious to adapt the teaching of *Hill* to include a substantially fabric, leather or elastically deformable material flexible cover because *Hill* provides a contrary teaching to use shapeable material. Consequently, the teaching of *Hill* is away from embodiments of the invention as defined by the claims and a person skilled in the art would not consider or be motivated to adapt *Hill* to fall within the scope of the claims.

Since none of the cited prior art documents disclose or suggest a substantially fabric, leather or elastically deformable flexible cover, it would not be obvious, or indeed even possible, for a person skilled in the art to combine the teachings of these documents and fall within the scope of independent claims 1 and 16. Therefore, claims 1 and 16 are novel and non-obvious.

Applicant also respectfully notes that, at pages 3 and 6 of the Office Action, it is asserted that *Hsu* discloses a flexible cover. This is incorrect. See the penultimate sentence in paragraph 9 of *Hsu*, which refers to a solidified resin. It is very well known to persons of ordinary skill that a solidified resin is not flexible, and thus the cover of *Hsu* is not flexible. *Hsu* discloses that the cover includes a skin made of fabric or leather (see

paragraph 9, line 6 of *Hsu*), which is attached to the solidified resin, meaning that the skin and cover are not flexible. At paragraph 15, *Hsu* says that the solidified resin layer 4 is “bonded together” with the plastic film layer 3. Thus, *Hsu* teaches that the skin 2 is not flexible, because it is bonded and secured to a solidified resin layer.

These same arguments apply to all of the present independent claims.

**Dependent Claims 12 and 13 are not Suggested by the Cited Art**

Applicant also notes that the Office Action’s analysis of claim 12 is incorrect because *Badillo* relates to a portable case for a hand-held device. *Badillo* does not relate to a flexible cover for an engine assembly. Likewise, Applicant respectfully submits that the Office Action’s analysis of claim 13 is incorrect, because *Mitchell* discloses providing a waterproof covering for a hand-held device. *Mitchell* does not disclose an elastic and waterproof substrate adjacent the engine assembly. Therefore, claims 12 and 13 are also novel and non-obvious with regard to the cited prior art, even if the independent claims were unpatentable.

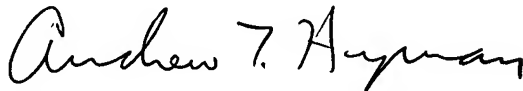
**New Dependent Claim 21 is not Suggested by the Cited Art**

As mentioned above, new dependent claim 21 is supported at least by present Figures 7 and the accompanying description. Thus, according to claim 21, there is no intermediate cover of any kind, either rigid or non-rigid. The only cover according to claim 21 is one which is a substantially fabric, leather or elastically deformable material flexible cover. None of the cited references suggest this, and certainly the non-rigid and shapeable cover of *Hill* is unrelated to the mobile telephone of new claim 21.

**Conclusion**

The objections and rejections of the official action of March 17, 2008, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested, and passage of the claims to issue is earnestly solicited.

Respectfully submitted,



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